IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 4214 of 2005(B)

PETITIONER:

APPUKUTTAN PILLAI,
S/O.LATE KUNJAN PILLAI, VELIYATHU THEKKETHIL,
MADAPPALLY, MUKUNDAPURAM, CHAVARA
(LICENCEE OF T.S.NO.5/04/05 OF KARUNAGAPPALLY RANGE).

BY ADV. SRI.B.RADHAKRISHNA PILLAI,
SMT.S.AMBIKA DEVI,
SRI.R.JYOTHIKRISHNAN,
SRI.G.SUDHEER (THURAVOOR).

RESPONDENTS:
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1. **THE STATE OF KERALA, REP. BY THE SECRETARY, TAXES(G) DEPARTMENT, TRIVANDRUM.**
2. **THE EXCISE COMMISSIONER, TRIVANDRUM.**
3. **THE ASSISTANT EXCISE COMMISSIONER, KOLLAM.**

BY GOVT. PLEADER SRI. R.LAKSHMI NARAYAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

Writ Petition (C) No.4214 of 2005-B

Judgment

The petitioner is aggrieved by Ext.P3 order of the Commissioner of Excise, cancelling the licence of his Toddy Shop No.5/04-05 of Karunagappally Range, on the ground that he opened the toddy shop on the Samadhi day of Sree Narayana Guru. The petitioner filed Ext.P4 revision against the said order before the Government. This Court, by interim order dated 16.03.2005, directed the Government to consider the said revision. In view of the said position, the Writ Petition has become infructuous. Needless to say, if the order passed by the Government on the above said revision is against the petitioner, his rights if any, to challenge the same will not be affected by the disposal of this Writ Petition. With the above observation, the Writ Petition is closed.

10.12.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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